

REMARKS

Claims 1-28 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1, 2, 5, 6, 9, 11, 12, 18-21 and 24, drawn to a mouse gene, the encoded protein, and a method of screening using the same;

Group II, claims 3-6 and 10-12, drawn to human gene and the encoded protein;

Group III, claims 7 and 8, drawn to nucleic acids comprising small mouse gene fragments;

Group IV, claims 13 and 14, drawn to nucleic acids comprising small mouse gene fragments;

Group V, claims 15-17 and 24, drawn to antibody to a mouse protein and pharmaceutical composition comprising same;

Group VI, claims 22-25, drawn to substance obtained by screening and a pharmaceutical composition comprising same;

Group VII, claim 24, drawn to gene therapy compositions;

Group VIII, claims 26-28, drawn to method of diagnosis, prevention or treatment using a gene;

Group IX, claims 26-28, drawn to method of diagnosis, prevention or treatment using a protein or receptor; and

Group X, claims 26-28, drawn to method of diagnosis, prevention or treatment using a substance.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1, 2, 5, 6, 9, 11, 12, 18-21 and 24. Applicants respectfully request that the Examiner, in addition to examining the above elected Group I, also examine Groups III and IV, which are directed to nucleic acids comprising small mouse DNA fragments (group III), and directed to other DNA fragments from mouse. Please note that group IV has incorrectly been identified in the written restriction requirement dated March 8, 2004 as small human fragments. In any event, Applicants submit that these three Groups all share a special technical feature that makes a contribution over the prior art (*i.e.*, novel and non-obvious mouse DNA sequences) such that they have unity of invention. Thus, Applicants respectfully request that at least these groups be examined together. Should the Examiner not examine these groups together, Applicants respectfully reserve their right to file divisional applications directed to these Groups.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact T. Benjamin Schroeder (Reg. No. 50,990) at the telephone number of the undersigned below, to conduct an interview


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in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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